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IMPLEMENTATION OF THE INTERNATIONAL DRUG CONTROL TREATIES

Changes in the scope of control of substances and consideration of notifications of the Secretary-General from Governments, the World Health Organization and the International Narcotics Control Board **

Consideration of a notification recommending the inclusion of 3,4-methylenedioxyphenyl-2-propanone, N-acetylanthranilic acid, methyl ethyl ketone (2-Butanone; MEK), toluene, piperonal, safrole, isosafrole, hydrochloric acid, sulfuric acid, and potassium permanganate under article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drug and Psychotropic Substances, 1988

1. Pursuant to article 12, paragraph 2, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, the Government of the United States of America conveyed to the Secretary-General, by a note dated 5 July 1991, its opinion that 3,4-methylenedioxyphenyl-2-propanone and N-acetylanthranilic acid should be included in Table I of the 1988 Convention, and that methyl ethyl ketone (2-Butanone; MEK), toluene, piperonal, safrole, isosafrole, hydrochloric acid, sulfuric acid, and potassium permanganate should be included in Table II of that Convention.

2. In accordance with article 12, paragraph 3, of the 1988 Convention, the Secretary-General transmitted the notification to all Governments by note NAR/CL.15/1991 dated 13 August 1991, as well as the relevant information submitted by the United States in support of the notification. Governments were asked to submit any comments they considered relevant to the question of the possible inclusion of those substances in Table I or Table II.

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3. The Secretary-General also transmitted the text of the notification and the relevant information to the International Narcotics Control Board. The Board, in accordance with article 12, paragraph 4, should communicate to the Commission on Narcotic Drugs an assessment of each substance concerned, together with recommendations of monitoring measures, if any, that would be appropriate for each substance.

Action by Governments

4. As of 20 February 1992, substantive replies to the note of the Secretary-General had been received from 20 countries (Australia, Austria, Belgium, Bulgaria, Cuba, Finland, France, Germany, Hungary, India, Japan, Malaysia, Netherlands, Rwanda, Spain, Sweden, Switzerland, United Arab Emirates, United Kingdom and United States), and the European Economic Community (EEC). Of those, Bulgaria, France, Germany, Hungary, Japan, Rwanda and the EEC expressed agreement with the inclusion of all the substances in Table I or Table II as proposed by the United States. Australia and India indicated that they were in favour of including 3,4-methylenedioxyphenyl-2-propanone and N-acetylanthranilic acid in Table I of the 1988 Convention. Australia also agreed with the inclusion of piperonal, safrole and isosafrole in Table II. However, it was not in favour of including methyl ethyl ketone, toluene, hydrochloric acid, sulfuric acid and potassium permanganate in Table II, indicating that these substances are legitimately used in large volume in a wide variety of industries and that it would be very difficult to control diversion of a small proportion of this legitimate trade. In addition, such control would significantly raise the cost burden to governments. India gave similar reasons for not including the other eight substances.

5. Austria was in favour of bringing 3,4-methylenedioxyphenyl-2-propanone, toluene, piperonal, safrole and isosafrole under international control, indicating that their use in industry was not as widespread as was the case for the other substances. Finland reported having factories which manufacture the substances in question, without making reference to any specific substance. Moreover, it indicated that for countries where the chemical industry was of particular significance, it would be laborious and expensive for governments to increase the number of substances already under control.

6. Belgium and Switzerland reported that the substances under review were not under national control; Switzerland indicated that control of substances such as sulfuric acid and hydrocloric acid could not be envisaged in that country. However, special control measures might be applied in the countries where illicit manufacture takes place. Belgium was of the opinion that the salts of those acids could not be subject to the same control as the acids themselves.

7. Additional data submitted to the Secretary-General is summarized below on a substance-by-substance basis.

8. 3,4-methylenedioxyphenyl-2-propanone was reported as legitimately used in Japan (imported and exported) and the United States (manufactured, imported and exported). The United Kingdom reported illicit use of the substance for the manufacture of MDMA and related compounds, as well as seizures in 1989 involving 2 kgs. Illicit use of the substance for manufacture of MDA, MDMA and MDE was reported by the United States where seizures between 1988 and 1990 involved 44,782 dosage units of MDA, MDMA, and MDE as well as some clandestine laboratories. The substance was under national control in the United States.

9. N-acetylanthranilic acid was reported as imported into Australia and Rwanda and manufactured in the United States. Although a legitimate use was recorded in the United States, the substance was also used in the clandestine manufacture of methaqualone and mecloqualone. Seizures in the United States amounted to 145,256 dosage units of methaqualone between 1988 and 1990, and eleven clandestine laboratories between 1988 and 1990. The United States reported that N-acetylanthranilic acid was under national control.

10. Methyl ethyl ketone (2-Butanone; MEK) was reported as available and legitimately used in Australia (manufactured, imported and exported), Belgium (imported and exported), Cuba (imported), Japan and Netherlands (manufactured, imported and exported), Rwanda (imported), Spain and Sweden (imported and exported), the United Kingdom (manufactured and imported) and the United States (manufactured, imported and exported). Spain and the United States reported that the substance was used in the clandestine manufacture of various drugs of abuse, mainly of cocaine hydrochloride and heroin. Spain reported seizures in 1990 involving 1 680 kgs. The United States reported that six shipments involving aproximately 600 000 kgs had been intercepted between January 1990 and September 1991. MEK was reported under national control in Japan and the United States.

11. Toluene was reported as available and legitimately used in Australia and Belgium (manufactured, imported and exported), Malaysia (imported), Netherlands (manufactured, imported and exported), Rwanda (imported), Spain (manufactured, imported and exported), Sweden (imported and exported) the United Kingdom and the United States (manufactured, imported and exported). It was reported as used in the illicit manufacture of various drugs by Australia and the United States. The latter indicated that it was occasionally used in the illicit manufacture of cocaine hydrochloride in the United States. The United Kingdom reported seizures in 1989 of 200 litres. Toluene was under national control in Japan and the United States.

12. Piperonal was reported as available and legitimately used in Japan (manufactured, imported and exported), Malaysia (imported), Netherlands (imported and exported), Rwanda (imported), Spain (manufactured and imported), Sweden (imported), the United Kingdom (manufactured, imported and exported) and the United States (manufactured, but no data available for import or export). It was reported as used for illicit manufacture of various drugs by the United Kingdom and the United States. The United Kingdom reported seizures in 1989 of 2kgs 500g. It was under national control in Sweden and the United States.

13. Safrole was reported as available and legitimately used by Japan and the Netherlands (imported and exported), Rwanda (imported), United Kingdom (no activity specified), and the United States (manufactured and imported). Safrole was reported as used in the illicit manufacture of MDA, MDMA, MDE and N-hydroxy MDA by the United Kingdom and the United States. The United Kingdom reported seizures in 1991 involving 1 kg of MDMA. The United States reported seizures betweeen 1988 and 1990 involving 44 782 dosage units of MDA, MDMA and MDE. It was under national control in the United States.

14. Isosafrole was reported as available and legitimately used by Japan (manufactured and exported), Netherlands (imported and exported), Rwanda (imported), and the United States (but data not available for manufacture, imports or exports). It was reported by the United States as used in the illicit manufacture of MDA, MDMA and MDE. The United Kingdom reported seizures in 1989 of 3 kgs. It was under national control in the United States.

15. Hydrochloric acid was reported as available and legitimately used in Australia and Belgium (manufactured, imported and exported), Cuba (imported), Japan, Malaysia and Netherlands (manufactured, imported and exported), Rwanda (imported), Spain (manufactured, imported and exported), Sweden (manufactured and exported), United Kingdom and the United States (manufactured, imported and exported). It was reported by Malaysia, Spain, the United Kingdom and the United States as used in the illicit manufacture of heroin (Malaysia), cocaine hydrochloride (Spain), synthetic drugs (United Kingdom), and cocaine, heroin and sythetic drugs (United States). Unquantified seizures were reported by Malaysia and the United Kingdom. Spain reported seizures between 1988 and 1990 involving 72 litres, and the United States reported seizures in 1990 involving 1 487 litres. It was reported under national control in Japan and Malaysia.

16. Sulphuric acid was reported as available and legitimately used in Australia and Belgium (manufactured, imported and exported), Cuba (imported), Japan (manufactured and exported), Malaysia and Netherlands (manufactured, imported and exported), Rwanda (imported), Spain, Sweden, the United Kingdom and the United States (manufactured, imported and exported). It was reported by Australia, Spain, the United Kingdom and the United States as used in the illicit manufacture of small amounts of heroin and amphetamines (Australia), cocaine hydrochloride and cocaine sulphate (Spain), amphetamine sulphate and methylamphetamine hydrochloride (United Kingdom), amphetamine, methamphetamine and MDA (United States). One small seizure was recorded in the United Kingdom in 1989 in a clandestine laboratory. The United States reported 27 seizures in 1990 involving 250 litres, and one clandestine laboratory. It was under national control in Japan, Malaysia and the United Kingdom.

17. Potassium permanganate was reported as available and legitimately used in Australia, Belgium (manufactured and imported), Cuba (imported), Japan (manufactured, imported and exported), Malaysia (imported), Netherlands (imported and exported), Spain (manufactured, imported and exported), Sweden (imported) and the United States (manufactured, imported and exported). The United States reported that two shipments involving 31.6 tonnes had been intercepted between August 1990 and August 1991. It was reported under national control in that country.

Action by the International Narcotics Control Board

18. In response to the notification of the Secretary-General, the International Narcotics Control Board convened a preparatory meeting of an Advisory Expert Group (AEG) in September 1991 and a second meeting in November 1991 to assist it in assessing these substances. The report of the AEG served as the basis for the Board's discussions at its fifty-first session in January 1992 and subsequent recommendations.

19. In accordance with article 12, paragraph 4, of the 1988 Convention, the President of the International Narcotics Control Board conveyed to the Secretary-General on 27 January 1992 the Board's opinion that N-acetylanthranilic acid, 3,4-methylenedioxyphenyl-2-propanone, safrole, isosafrole and piperonal should be added to Table I of the 1988 Convention, and that methyl ethyl ketone, toluene, potassium permanaganate, sulfuric acid (excluding its salts), and hydrochloric acid (excluding its salts), should be added to Table II of that Convention. The text of the Board's notification and recommendations is reproduced in the annex. The Board's assessment of these substances is presented in detail in the Board's report to the Commission on the implementation of article 12 (E/CN.7/1992/2).

20. The Secretary-General transmitted the text of the latter notification together with the Board's recommendations to all Governments in note NAR/CL.1/1992 of 11 February 1992. Governments were asked to communicate their comments, if any, regarding the possible inclusion of those ten substances in Table I or Table II.

21. The notification by the International Narcotics Control Board is now before the Commission and, in accordance with article 12, paragraph 5, of the 1988 Convention:

> "The Commission, taking into account the comments submitted by the Parties and the comments and recommendations of the Board, whose assessment shall be determinative as to scientific matters, and also taking into consideration any other relevant factors, may decide by a two-thirds majority of its members to place a substance in Table I or Table II."

22. The Commission should therefore decide whether to include N-acetylanthranilic acid, 3,4-methylenedioxyphenyl-2-propanone, safrole, isosafrole and piperonal in Table I of the 1988 Convention, and whether methyl ethyl ketone, toluene, potassium permanaganate, sulfuric acid (excluding its salts), and hydrochloric acid (excluding its salts) should be added to Table II of that Convention, as recommended by the Board, or, if not, what other action, if any, is required.

23. The Commission is reminded that voting to place a substance under control of the 1988 Convention requires a qualified majority of all members of the Commission, whether present and voting or not, and that abstentions do not change the need for a two-thirds majority of the total membership of the Commission. Thus, as the Commission now comprises 53 members, a decision on the addition of a substance to either Table of the 1988 Convention requires at least 36 affirmative votes to be adopted.

Annex

Note addressed to the Secretary-General by the President of the International Narcotics Control Board on 27 January 1992

The President of the International Narcotics Control Board presents his compliments to the Secretary-General of the United Nations and has the honour to inform him that the International Narcotics Control Board, in conformity with article 12, paragraphs 4 and 5, of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (hereinafter referred to as the 1988 Convention), has completed its assessments of N-acetylanthranilic acid, 3,4-methylenedioxyphenyl-2-propanone, safrole, isosafrole, piperonal, methyl ethyl ketone (2-butanone; MEK), toluene, potassium permanganate, sulfuric acid, and hydrochloric acid for possible inclusion in Table I or Table II of the 1988 Convention.

The Board's findings and recommendations in respect of its assessment of each of the above substances are noted below. The Board's assessment of the above substances will be presented in full in the Board's report to the thirty-fifth Session of the Commission on Narcotic Drugs on the implementation of article 12, to be made pursuant to paragraph 13 of that article.

N-acetylanthranilic acid

The Board finds that N-acetylanthranilic acid is frequently used in the illicit manufacture of methaqualone and its analogues and that the volume and extent of the illicit manufacture of methaqualone and its analogues create serious public health and social problems, so as to warrant international control over N-acetylanthranilic acid.

Considering the importance of N-acetylanthranilic acid in the illicit manufacture of methaqualone and the limited licit use of this chemical, the Board recommends that N-acetylanthranilic acid be added to Table I of the 1988 Convention.

3,4-methylenedioxyphenyl-2-propanone

The Board finds that 3,4-methylenedioxyphenyl-2-propanone is frequently used in the illicit manufacture of α-methyl-3,4-(methylenedioxy)phenethylamine (also referred to as 3,4-methylenedioxyamphetamine or MDA) and its analogues 1/. The volume and extent of the illicit manufacture of MDA and its analogues create serious public health and social problems, so as to warrant international control over 3,4-methylenedioxyphenyl-2-propanone.

Considering the importance of 3,4-methylenedioxyphenyl-2-propanone in the illicit manufacture of MDA and its analogues and the limited licit use of this chemical, the Board recommends that 3,4-methylenedioxyphenyl-2-propanone be added to Table I of the 1988 Convention.

1/ The analogues of MDA are: (±)-N,α-dimethyl-3,4-(methylenedioxy) phenethylamine (also referred to as 3,4-methylenedioxymethamphetamine or MDMA); (±)-N-[α-methyl-3,4- (methylenedioxy)phenethyl]hydroxylamine (also referred to as N-hydroxy MDA or N-OH MDA); (±)-N-ethyl- -methyl-3,4-(methylenedioxy)phenethylamine (also referred to as N-ethyl MDA or MDE).

Safrole

The Board finds that safrole is frequently used in the illicit manufacture of α-methyl-3,4-(methylenedioxy)phenethylamine (also referred to as 3,4- methylenedioxyamphetamine or MDA) and its analogues. The volume and extent of the illicit manufacture of MDA and its analogues create serious public health and social problems, so as to warrant international control over safrole.

Considering the importance of safrole in the illicit manufacture of MDA and its analogues and that the licit use of this chemical is not extensive, the Board recommends that safrole be added to Table I of the 1988 Convention.

Isosafrole

The Board finds that isosafrole is frequently used in the illicit manufacture of α-methyl-3,4-(methylenedioxy)phenethylamine (also referred to as 3,4-methylenedioxyamphetamine or MDA) and its analogues. The volume and extent of the illicit manufacture of MDA and its analogues create serious public health and social problems, so as to warrant international control over isosafrole.

Considering the importance of isosafrole in the illicit manufacture of MDA and its analogues and that the licit use of this chemical is not extensive, the Board recommends that isosafrole be added to Table I of the 1988 Convention.

Piperonal

The Board finds that piperonal is frequently used in the illicit manufacture of α-methyl-3,4-(methylenedioxy)phenethylamine (also referred to as 3,4-methylenedioxyamphetamine or MDA) and its analogues. The volume and extent of the illicit manufacture of MDA and its analogues create serious public health and social problems, so as to warrant international control over piperonal.

Considering the importance of piperonal in the illicit manufacture of MDA and its analogues and that the licit use of this chemical is not extensive, the Board recommends that piperonal be added to Table I of the 1988 Convention.

Methyl ethyl ketone

The Board finds that methyl ethyl ketone is frequently used in the illicit manufacture of cocaine hydrochloride. The volume and extent of the illicit manufacture of cocaine hydrochloride create serious public health and social problems, so as to warrant international control over methyl ethyl ketone.

Considering the seriousness and extent of the public health and social problems caused by cocaine abuse and trafficking, the importance of methyl ethyl ketone in the illicit manufacture of cocaine hydrochloride and the extensive licit use of this chemical, the Board recommends that methyl ethyl ketone be added to Table II of the 1988 Convention.

Since the use of methyl ethyl ketone for the illicit manufacture of cocaine hydrochloride is mainly confined to a limited area, the Board recommends that countries, within the framework of article 12, should focus on controlling and monitoring shipments of methyl ethyl ketone which are, or may be, destined for areas where cocaine hydrochloride is illicitly manufactured, in order to prevent their diversion into illicit channels.

Toluene

The Board finds that toluene is frequently used in the illicit manufacture of cocaine hydrochloride. The volume and extent of the illicit manufacture of cocaine hydrochloride create serious public health and social problems, so as to warrant international control over toluene.

Considering the seriousness and extent of the public health and social problems caused by cocaine abuse and trafficking, the importance of toluene in the illicit manufacture of cocaine hydrochloride and the extensive licit use of this chemical, the Board recommends that toluene be added to Table II of the 1988 Convention.

Since the use of toluene for the illicit manufacture of cocaine hydrochloride is mainly confined to a limited area, the Board recommends that countries, within the framework of article 12, should focus on controlling and monitoring shipments of toluene which are, or may be, destined for areas where cocaine hydrochloride is illicitly manufactured, in order to prevent their diversion into illicit channels.

Potassium permanganate

The Board finds that potassium permanganate is frequently used in the illicit manufacture of cocaine. The volume and extent of the illicit manufacture of cocaine create serious public health and social problems, so as to warrant international control over potassium permanganate.

Considering the seriousness and extent of the public health and social problems caused by cocaine abuse and trafficking, the importance of potassium permanganate in the illicit manufacture of cocaine and the extensive licit use of this chemical, the Board recommends that potassium permanganate be added to Table II of the 1988 Convention.

Since the use of potassium permanganate for the illicit manufacture of cocaine is mainly confined to a limited area, the Board recommends that countries, within the framework of article 12, should focus on controlling and monitoring shipments of potassium permanganate which are, or may be, destined for areas where cocaine is illicitly manufactured, in order to prevent their diversion into illicit channels.

Sulfuric acid

The Board finds that sulfuric acid is frequently used in the illicit manufacture of cocaine. The volume and extent of the illicit manufacture of cocaine create serious public health and social problems, so as to warrant international control over sulfuric acid.

Considering the seriousness and extent of the public health and social problems caused by cocaine abuse and trafficking, the importance of sulfuric acid in the illicit manufacture of cocaine and the extensive licit use of this chemical, the Board recommends that sulfuric acid, excluding its salts, be added to Table II of the 1988 Convention.

Since the use of sulfuric acid for the illicit manufacture of cocaine is mainly confined to a limited area, the Board recommends that countries, within the framework of article 12, should focus on controlling and monitoring shipments of sulfuric acid which are, or may be, destined for areas where cocaine is illicitly manufactured, in order to prevent their diversion into illicit channels.

Hydrochloric acid

The Board finds that hydrochloric acid is frequently used in the illicit manufacture of cocaine hydrochloride and heroin hydrochloride. The volume and extent of the illicit manufacture of cocaine hydrochloride and heroin hydrochloride create serious public health and social problems, so as to warrant international control over hydrochloric acid.

Considering the seriousness and extent of the public health and social problems caused by the abuse of and trafficking in cocaine hydrochloride and heroin hydrochloride, and the extensive licit use of this chemical, the Board recommends that hydrochloric acid, excluding its salts, be added to Table II of the 1988 Convention.

Since the use of hydrochloric acid for the illicit manufacture of cocaine hydrochloride and heroin hydrochloride is mainly confined to a limited area, the Board recommends that countries, within the framework of article 12, should focus on controlling and monitoring shipments of hydrochloric acid which are, or may be, destined for areas where cocaine hydrochloride and heroin hydrochloride are illicitly manufactured, in order to prevent their diversion into illicit channels.